

## **REMARKS:**

Claims 1, 3-5, 7-9, 11-13, and 15-16 have been examined. Claims 1 and 9 have been amended therein.

### **35 U.S.C. §103(a) Rejections**

The Office Action rejects all pending claims as obvious over Neteler (US 6,531,197) in view of Morita (JP 09-226843), or Neteler in view of Morita and further in view of one or more secondary references. Applicants respectfully traverse these rejections as follows.

Initially, it is noted that Applicants do not necessarily concur with the Office Action's analysis of these claims in view of applicable laws and regulations. Nevertheless, in order to expedite prosecution of the application, the now amended independent claims 1 and 9 more clearly recite the distinct features of Applicants' claimed invention. Particularly, for example, the independent claim 1, now specifically requires: "*providing a foil having a polymeric sealing layer...heating the foil such that the polymeric sealing layer becomes pliable...applying the active film to the polymeric sealing layer of the heated foil ...the active film **adheres to the polymeric sealing layer**.*" (emphasis added.) These newly recited amendments are supported by the original specification. For example, the published specification at paragraph [0023] explains that "the lidding foil is sufficiently heated so that the polymer sealing layer becomes pliable. The cut active film 5 is pushed onto the pliable polymer layer of the lidding foil 2 by applying sufficient pressure between the applicator head 4 and the heating platen 3. The active film 5 adheres to the softened polymer layer of the lidding foil." (emphasis added.)

Applicants respectfully submit that none of the cited references disclose, teach or suggest at least Applicants' claimed limitations of "*a polymeric sealing layer*" and "*the active film **adheres to the polymeric sealing layer**.*" In contrast, Neteler discloses, teaches or suggests a method whereby its "moisture barrier layer 22", which may be a foil, is attached to its "inner

layer 24”, which may include silica for moisture absorption. These layers may be attached by adhesive or heat, but Neteler does not disclose, teach or suggest the inclusion of Applicants’ claimed “*polymer sealing layer*” when heat is used to result in Applicants’ claimed “*the active film adheres to the polymeric sealing layer.*”

Likewise, Morita does not disclose, teach or suggest that its “label type deoxidant 59” is heated and is adheres to the foil. Morita’s disclosure of the term “label” implies the use of an adhesive.

Further, Applicants respectfully submit that none of additional secondary references remedy Neteler’s and Morita’s above deficiencies. Consequently, none of the references cited by the Office Action discloses, teaches or suggests, by themselves or in a combination of each other, all limitations recited by Applicants’ independent claims 1 and 9.

Regarding the remaining 103 rejections against dependent claims 3-5, 7-8, 11-13, and 15-16. Applicants simply note that, while various features recited in these dependent claims may be patentably distinct on their own, each of these dependent claims is submitted to be patentably distinct for at least the same reasons as the independent claims 1 or 9 from which the particular dependent claim depends.

Since, as detailed above, each and every rejection raised in the Office Action has been overcome and/or rendered moot, Applicants respectfully submit that the above-identified application is now in condition for allowance.

Additionally, as detailed above, this Amendment is fully supported by the originally filed application and thus, no new matter has been added. For this reason, the Amendment should be entered.

In view of the foregoing amendments and remarks, Applicants' attorney respectfully requests allowance of now pending claims. If such action cannot be taken, however, the Examiner is cordially invited to place a telephone call to Applicant's attorney to resolve any outstanding issue without the issuance of a further Office Action.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,  
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